

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KAMANA O’KALA, LLC,

Plaintiff,

v.

LITE SOLAR, LLC, et al.,

Defendants.

MOSMAN, J.,

No. 3:16-cv-01532-PK

OPINION AND ORDER

On February 13, 2017, Magistrate Judge Paul Papak issued his Findings and Recommendation (“F&R”) [36], recommending that Plaintiff’s Motion to Remand [9] should be GRANTED and Defendants’ Motion to Transfer Venue [14] should be DENIED as moot. Defendants filed objections [39] and Plaintiff filed a response [43].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge Papak's recommendations and ADOPT the F&R [36] as my own opinion. Plaintiff's Motion to Remand [9] is GRANTED and Defendants' Motion to Transfer Venue [14] is DENIED as moot. The action should be REMANDED to the Multnomah County Circuit Court.

IT IS SO ORDERED.

DATED this 22nd day of March, 2017.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge